

1 Rule 3-412. Procurement of goods and services.

2 Intent:

3 To identify the respective responsibilities of the judiciary and the Department of
4 Administrative Services in the procurement of goods and services.

5 Applicability:

6 This rule shall apply to the judiciary's expenditure of funds appropriated by the
7 legislature.

8 Statement of the Rule:

9 (1) Definitions. All terms are defined as provided by the Utah Procurement Code,
10 Utah Code Section ~~63-56-1~~ 63-56-101 et seq., as amended, the Regulations of the Utah
11 State Procurement Policy Board, as amended and the Division of Purchasing's Policies
12 and Procedures. Any discrepancy between the statutory definition and the definition
13 contained in the regulations shall be controlled by the statutory definition.

14 (2) Purchasing authority. Under the provisions of Utah Code Section ~~63-56-13~~ 63-
15 56-207 and Utah Code Section 78-3-24, the court administrator is the purchasing
16 authority for the judiciary in the expenditure of appropriated funds for the procurement of
17 supplies, services, and construction.

18 (3) Procurement officers. The state court administrator may designate a
19 procurement officer for the judiciary. Court executives are the procurement officers for
20 their courts. The state court administrator or a procurement officer may enter into
21 contracts or make written determinations with respect thereto as provided in this rule.

22 (4) Contracts to conform to statute and regulations.

23 (4)(A) All contracts for the procurement of supplies, services, or construction entered
24 into, by or on behalf of the judiciary, shall conform to the Utah Procurement Code, as
25 amended, the Regulations of the Utah State Procurement Policy Board, as amended
26 and the Division of Purchasing's Policies and Procedures. Any discrepancy between the
27 procedures provided for by statute and the procedures provided for by regulation shall
28 be controlled by the statutory procedures.

29 (4)(B) Subject to the availability of funds, the state court administrator may establish
30 within the administrative office a procurement section that shall have the responsibility
31 and authority as provided by the Utah Procurement Code and the Regulations of the

Utah State Procurement Policy Board. Unless a procurement section is established, the judiciary shall work with and through the Department of Administrative Services, Division of Purchasing in the procurement of supplies, services, or construction.

(5) Authority to contract.

(5)(A) Contracts for the procurement of supplies, services, or construction for an amount greater than \$5000 shall be approved by the state court administrator or his designated procurement officer. General counsel shall approve such contracts as to form and legal sufficiency, and the manager of finance shall approve such contracts as to availability of funds. Other provisions for contract management contained in this Code shall be followed if they apply to the particular contract.

(5)(B) Requests to enter into contracts greater than \$5000 shall be directed to the appropriate state level administrator or the director of support services. The state level administrator or the director of support services shall coordinate all procedures required by the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Before final award of the contract, the contract shall be approved pursuant to paragraph (5)(A).

(5)(C) Court executives are authorized to approve and enter into contracts for the procurement of supplies, services, or construction on behalf of their courts when the amount of the contract is not greater than \$5000. Court executives may enter into such contracts subject to the availability of funds and in accordance with paragraph (4) of this rule.

(5)(D) Procurement requirements shall not be artificially divided so as to avoid the provisions of this rule.